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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/672,759 | 09/27/2003 | Neil Alex Korneff | Korneff01 | 1043 |

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Neil Alex Korneff
21428 Bella Pine Drive
Diamond Bar, CA 91765

| EXAMINER | |
|---|---|
| TRAN, LEN | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 1725 | |

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|---|---|---|
| | 10/672,759 | KORNEFF, NEIL ALEX |
| | Examiner | Art Unit |
| | Len Tran | 1725 |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *27 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/27/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claims 5, 6 and 9-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 6, there is no antecedent basis for "a byproduct" in the specification.

As to claim 9, there is no antecedent basis for "plastic-injection mold" in the specification.

As to claim 10, there is no antecedent basis for "metal-injection mold" in the specification.

As to claim 11, there is no antecedent basis for "silicon-injection mold" in the specification.

As to claim 12, there is no antecedent basis for "plastic-injection molded article" in the specification.

As to claim 13, there is no antecedent basis for "metal-injection molded article" in the specification.

As to claim 14, there is no antecedent basis for "silicon-injection molded article" in the specification.

As to claims 5 and 6, it is unclear whether the applicant is intended to claim the ARTICLE or the process of making the article. For examining purpose, the claims are examined as process of making the article.

As to claims 7 and 8, it is unclear whether the applicant is intended to claim the EJECTION SEQUENCE method or the process carried by the sequence. For examining purpose, the claims are examined as process carried by the ejection sequences.

As to claims 9-11, it is unclear whether the applicant is intended to claim the INJECTION MOLD or the method of using the injection mold. For examining purpose, the claims are examined as process of using the injection mold.

As to claims 12-4, it is unclear whether the applicant is intended to claim the MOLDED ARTICLE or the process of making the molded article. For examining purpose, the claims are examined as process of making the molded article.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 9, 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bangerter et al (US 4,603,329).

As to claim 1 and 4, Bangerter et al disclose the method of performing additional ejection sequences in an injection mold comprising the steps of detecting the presence of the mold article in the mold, initiating the next cycle if the molded article, is not detected in the mold, and activating an ejection sequence if the molded article is detected in the mold (col. 1, lines 12-15, lines 25-33, col. 11, lines 22-61).

As to claims 2 and 3, Bangerter et al disclose a vision system, radiation emitting and receiving sensors (col. 3, lines 20-32).

As to claims 5 and 6, the article is a molded part or byproduct of the part, since the entire article is being removed, ejected (col. 1, lines 30-32).

As to claims 7, Bangerter et al disclose a mechanical ejector (col. 11, lines 40-42).

As to claim 9 and 12, Bangerter et al disclose a plastic injection mold (col. 1, line 13, injection molding). Thus, the article is a plastic article.

As to claim 10 and 13, Bangerter et al disclose a metal injection mold (col. 1, line 13, die casting). Thus, the article is a metal article.

4. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lausenhammer et al (US 6,315,543).

As to claims 1 and 4-6, Lausenhammer et al disclose the method of performing additional ejection sequences in an injection mold comprising the steps of detecting the presence of the mold article in the mold, initiating the next cycle if the molded article, is not detected in the

mold, and activating an ejection sequence if the molded article is detected in the mold (abstract, col. 2, lines 6-25).

As to claims 2 and 3, Lausenhammer et al disclose a vision system, radiation emitting and receiving sensors (col. 4, lines 55-67)

As to claims 7 and 8, Lausenhammer et al disclose a mechanical ejector, pneumatic ejector (col. 6, lines 43-47).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley (US 6,4427,755) further in view of Lausenhammer et al (US '543) or Bangerter et al (US '329).

Buckley discloses the method of producing a silicon injected mold article (col. 6, lines 63-67), but fails to teach detecting the presence of molded article, initiating the next step, if the molded article is not detected, and activating an ejection sequence if the molded article is detected in the mold.

Lausenhammer et al discloses the method of performing additional ejection sequences in an injection mold comprising the steps of detecting the presence of the mold article in the mold, initiating the next cycle if the molded article, is not detected in the mold, and activating an ejection sequence if the molded article is detected in the mold (abstract, col. 2, lines 6-25) for the purpose of reducing the cycle time needed to mold and safely eject articles in a multi-cavity mold (col. 2, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to combine the detecting steps of Lausenhammer et al with Buckley in order to reduce cycle time and safely eject cast product from the mold cavity.

In addition, Bangerter et al disclose the method of performing additional ejection sequences in an injection mold comprising the steps of detecting the presence of the mold article in the mold, initiating the next cycle if the molded article, is not detected in the mold, and activating an ejection sequence if the molded article is detected in the mold (col. 1, lines 12-15, lines 25-33, col. 11, lines 22-61) for the purpose of sensing the presence or absence of the parts.

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to combine Bangerter et al's detecting steps with Buckley in order to sense the presence or absence of the parts.

***Citation of Relevant Prior Arts***

Avelllino et al (US 4,412,798) and Van Deberg et al (US 3,688,830).

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Len Tran whose telephone number is (571) 272-1184. The examiner can normally be reached on M-F, 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Len Tran
Examiner
Art Unit 1725

LT
November 23, 2004